

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

DANIEL GIANNINI,

Plaintiff,

v.

2005-CV-0096

**Vessel HARBOR CAT a/k/a "THE OCEAN
CLUB" her engines, tackle, apparel, gear, etc.,
and MILEMARK, INC.,**

Defendants.

**TO: Scot F. McChain, Esq.
Michael Fitzsimmons, Esq.
E. Geoffrey Wolfe, Esq.**

**ORDER REGARDING DEFENDANT HARBOR CAT'S MOTION FOR RELEASE OF
VESSEL AND/OR VESSEL SECURITY**

THIS MATTER is before the Court upon Defendant Harbor Cat's Motion For Release of Vessel and/or Vessel Security (Docket No. 142). Plaintiff filed a response to said motion.

In such response, Plaintiff declares that he is unable to post the counterclaim security as previously ordered by the Court. Order Regarding Defendant Harbor Cat's Demand For Counterclaim Security and Defendant Milemark, Inc.'s Joinder in M/V Harbor Cats Demand For Counterclaim Security Against Plaintiff and Motion to Increase Amount Posted as Security Against Milemark's Counterclaims (Docket No.121). Plaintiff states that

Giannini v. Vessel Harbor Cat
2006-CV-0096
Order
Page 2

he, therefore, “relinquishes his claim to security against MV Harbor Cat, [sic] and does not oppose Harbor Cat’s motion for release of vessel security.” Response at 1.

Based upon Plaintiff’s voluntary relinquishment of his claim for security, the Court will grant said Defendant’s motion for release of vessel security. The Court previously granted said Defendant’s Motion For Show Cause Hearing (Docket No. 140) and scheduled a hearing. Order Setting Hearing (Docket No. 146). However, said motion was based upon Plaintiff’s failure to post countersecurity and the claim for such security ceases to exist upon the release of security, the need for such a hearing is now obviated.

Accordingly, it is hereby **ORDERED**:

1. Defendant Harbor Cat’s Motion For Release of Vessel and/or Vessel Security (Docket No. 142) is **GRANTED**.
2. The security posted by Defendant Harbor Cat is **RELEASED**.
3. The Court’s Order Regarding Defendant Harbor Cat’s Demand For Counterclaim Security and Defendant Milemark, Inc.’s Joinder in M/V Harbor Cats Demand For Counterclaim Security Against Plaintiff and Motion to Increase Amount Posted as Security Against Milemark’s Counterclaims (Docket No.121) is **VACATED**.

Giannini v. Vessel Harbor Cat

2006-CV-0096

Order

Page 3

4. The hearing currently scheduled for October 11, 2007, at 9:30 a.m. (Order Continuing Hearing on Motions (Docket No. 147)) is **CANCELED**.

ENTER:

Dated: September 21, 2007

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE